

RECEIVED

AUG 12 2003

TC 1700



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Handwritten signature and date:
8/30/03

In re application of : Confirmation No. 8103

Ola OLSVIK : Docket No. 2001-0263A

Serial No. 09/787,301 : Group Art Unit 1754

Filed March 16, 2001 : Examiner Jonas N. Strickland

METHOD FOR PREPARING A
H₂-RICH GAS AND A CO₂-RICH
GAS AT HIGH PRESSURE

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

REQUEST TO WITHDRAW FINALITY OF REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Office Action mailed July 28, 2003 constitutes a final rejection of the claims. In item 9 on page 6 of the Office Action, the Examiner indicates that Applicant's amendment necessitated the new ground(s) of rejection presented in the Office Action, and accordingly, the Action is made final. However, Applicant respectfully submits that the amendment did not necessitate the new ground(s) of rejection.

The final rejection relies on the previously cited Pagani reference (CA 868821) alone (item 4 of the Office Action) or as a primary reference combined with other references (items 5-7). The previous Office Action relied on Pagani only as a secondary reference to reject some of the dependent claims (items 10 and 11 of the previous Office Action). Furthermore, considering the Examiner's characterization of the presently claimed invention as set forth in the last paragraph on page 2 of the final rejection, it is apparent that this same characterization applies to original claim 1. Claim 21 replaces original claim 1. Since the Examiner rejects claim 21 based on Pagani alone, and since the Examiner's characterization of the presently claimed invention applies to original claim 1, there is no

apparent reason why the Examiner did not reject original claim 1 based on Pagani alone in the previous Office Action. Accordingly, Applicant respectfully submits that the rejections based on Pagani alone or as a primary reference are new ground(s) of rejection which were not necessitated by Applicant's amendment.

On the basis of the foregoing, Applicant requests that the finality of the rejection be withdrawn.

Respectfully submitted,

Ola OLSVIK

By:

A handwritten signature in black ink, appearing to read "Michael R. Davis", is written over a horizontal line.

Michael R. Davis

Registration No. 25,134

Attorney for Applicant

MRD/pth
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
August 11, 2003